

## SENATE BILL No. 436

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-5.1.

**Synopsis:** Student discipline. Provides that a school corporation's discipline rules are not required to provide for student suspension or expulsion when there are statutory grounds for those actions, unless the situation involves firearms. Provides that officials may take a variety of disciplinary actions instead of suspension or expulsion. Adds assignment to an extended day program to the list of disciplinary actions that may be taken in addition to or instead of suspension or expulsion.

**Effective:** July 1, 2002.

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### Bowser

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January 14, 2002, read first time and referred to Committee on Education.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 436

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-8.1-5.1-7 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The governing  
3       body of a school corporation must do the following:

4           (1) Establish written discipline rules, which may include  
5           appropriate dress codes, for the school corporation.

6           (2) Give general publicity to the discipline rules within a school  
7           where the discipline rules apply by actions such as:

8               (A) making a copy of the discipline rules available to students  
9               and students' parents; or

10              (B) delivering a copy of the discipline rules to students or the  
11              parents of students.

12       This publicity requirement may not be construed technically and  
13       is satisfied in any case when the school corporation makes a good  
14       faith effort to disseminate to students or parents generally the text  
15       or substance of a discipline rule.

16       (b) The superintendent of a school corporation and the principals of  
17       each school in a school corporation may adopt regulations establishing



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lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate rule making, disciplinary, and other authority as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

- (1) Movement of students.
- (2) Movement or parking of vehicles.
- (3) Day-to-day instructions concerning the operation of a classroom or teaching station.
- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

**(e) The discipline rules that a governing body adopts under this section are not required to provide for suspension or expulsion of a student when there are grounds for suspension or expulsion under this chapter, except when a student qualifies for expulsion under section 10 of this chapter.**

SECTION 2. IC 20-8.1-5.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. (a) This section applies to a person who:

- (1) is a member of the administrative staff, a teacher, or other school staff member; and
- (2) has students under the person's charge.

(b) A person may take disciplinary action in addition to **or instead of** suspension ~~and or~~ expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

- (1) Counseling with a student or group of students.
- (2) Conferences with a parent or group of parents.
- (3) Assigning additional work.
- (4) Rearranging class schedules.
- (5) Requiring a student to remain in school after regular school hours to do additional school work or for counseling.
- (6) Restricting extracurricular activities.
- (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

- (A) five (5) class periods for middle, junior high, or high school students; or

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(B) one (1) school day for elementary school students;  
if the student is assigned regular or additional school work to  
complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; ~~or~~

(C) an alternative school; **or**

**(D) an extended day program that:**

**(i) allows students to attend regular classes; and**

**(ii) extends the daily schedule to include before or after  
school sessions that provide an opportunity to build  
academic, disciplinary, and social skills.**

(9) Assignment by the principal of the school where the recipient  
of the disciplinary action is enrolled of not more than one hundred  
twenty (120) hours of service with a nonprofit organization  
operating in or near the community where the school is located or  
where the student resides. The following apply to service assigned  
under this subdivision:

(A) A principal may not assign a student under this  
subdivision unless the student's parent or guardian approves:

(i) the nonprofit organization where the student is assigned;  
and

(ii) the plan described in clause (B)(i).

A student's parent or guardian may request or suggest that the  
principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's  
service with the nonprofit organization. Arrangements must  
include the following:

(i) A plan for the service that the student is expected to  
perform.

(ii) A description of the obligations of the nonprofit  
organization to the student, the student's parents, and the  
school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by  
the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the  
principal and the student's parent or guardian of the student's  
performance of the service.

(C) The nonprofit organization must obtain liability insurance  
in the amount and of the type specified by the school  
corporation where the student is enrolled that is sufficient to  
cover liabilities that may be incurred by a student who

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performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall make a referral of the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-1-6.1-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

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